

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on July 19, 2005 at 7:02 p.m.

Mayor White presiding.

The following members of the Council answered roll call: YEA Commissioner David Cline, YEA Commissioner Terry Cook, YEA Commissioner Randy Ervin, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

Also in attendance were City personnel: City Administrator Richard Underkofler, Substitute City Attorney Janett Winter-Black, Public Works Director David Wortman, Police Chief Larry Metzelaars, Community Coordinator Kyle Gill, and City Clerk Susan O'Brien.

CONSENT AGENDA

*(Items listed on the Consent Agenda are considered to be routine in nature and will be enacted by one motion. Prior to asking for a motion to approve the Consent Agenda, the mayor will ask if anyone desires to remove an item from the Consent Agenda for public discussion. No separate discussion of these items will occur unless a Council Member requests the item to be removed from the Consent Agenda. If an item is removed from the Consent Agenda, it will be considered elsewhere on the agenda for this meeting.)*

Mayor White seconded by Commissioner Schilling moved to approve consent agenda consisting of: Minutes of the regular meeting July 6, 2005; Reports of Special Committees; Reports of Fire Department for the month of June and Police Department for the month of June; Payroll and Bills for the first half of July; Special Ordinance 2005-1088, vacating a street described as a strip of ground eighty feet of even width adjacent to the south line of Block One Hundred Twenty-One of Noyes Addition to the City of Mattoon known as Cedar Avenue between 32<sup>nd</sup> Street and Lytle Park - Community Unit School District #2 and Mattoon Township Park District, Applicants; Special Ordinance 2005-1089, approving a Special Use Permit to enable park uses on Lots 1, 2, 3, 4, 5 and 6 of Block One Hundred Twenty-One of Noyes Addition to the City of Mattoon a/k/a 205 South 32<sup>nd</sup> Street; and also on a strip of ground forty feet of even width adjacent to the north line of Block One Hundred Twenty-One of Noyes Addition a/k/a the south half of Pine Avenue; and also on strip of ground eighty feet of even width adjacent to the south line of Block One Hundred Twenty-One of Noyes Addition to the City of Mattoon a/k/a Cedar Avenue - Community Unit School District #2 and Mattoon Township Park District, Applicant; Special Ordinance 2005-1090, approving a variance from front yard requirements in the zoning ordinance to enable a front porch addition to a residential dwelling unit at 316 Linden Lane, Lot 6, Block D, Lane Acres Subdivision - Duane F. Welton, Applicant; Council Decision Request 2005-478, ratifying the appointment of Robert Reed and the reappointments of Winifred Detro and Myrna Voudrie to the Library Board, persons nominated by Mayor White for terms expiring April 30, 2008; Council Decision Request 2005-479, approving the promotion of Sgt. Jason Taylor to the rank of Lieutenant in the Police Department effective August 6, 2005; Council Decision Request 2005-480, approving the promotion of Officer Richard A. Heuerman to the rank of Sergeant in the Police Department effective August 6, 2005; Council Decision Request 2005-481, approving the regular employment status of Firefighter Kenny Clatfelter effective July 23, 2005 following a successful one year probationary period; Council Decision Request 2005-482, reporting bids received and authorizing a \$42,740 procurement from Industrial Roofing for roof repairs at the Burgess Osborne Auditorium; Council Decision Request 2005-483, appointing Ryan W. Hurst to a probationary police officer position effective July 31, 2005; and Council Decision Request 2005-484, authorizing the recruitment for two replacement employees for assignment to the Public Works Labor Pool.

**Bills and Payroll for the first half of July, 2005**

**General Fund**

Payroll	\$	231,596.40
Bills	\$	<u>359,384.06</u>
Total	\$	590,980.46

**Hotel Tax Fund**

Payroll	\$	1,860.33
Bills	\$	<u>857.00</u>
Total	\$	2,717.33

**Festival Management**

Bills	\$	<u>15,991.08</u>
Total	\$	15,991.08

**Insurance & Tort Judgment**

Bills	\$	<u>9,292.57</u>
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	<b><u>Midtown TIF Fund</u></b>	Total \$	9,292.57
Bills		\$	<u>4,852.52</u>
		Total \$	4,852.52
	<b><u>Capital Project Fund</u></b>		
Bills		\$	<u>168.30</u>
		Total \$	168.30
	<b><u>Water Fund</u></b>		
Payroll		\$	40,595.00
Bills		\$	<u>32,110.58</u>
		Total \$	72,705.58
	<b><u>Sewer Fund</u></b>		
Payroll		\$	32,202.48
Bills		\$	<u>389,181.63</u>
		Total \$	421,384.11
	<b><u>Cemetery Fund</u></b>		
Payroll		\$	2,220.54
Bills		\$	<u>267.63</u>
		Total \$	2,488.17
	<b><u>Motor Fuel Tax Fund</u></b>		
Bills		\$	<u>17,085.79</u>
		Total \$	17,085.79
	<b><u>Health Fund</u></b>		
Bills		\$	<u>28,983.74</u>
		Total \$	28,983.74

CITY OF MATTOON, ILLINOIS

**SPECIAL ORDINANCE NO. 2005-1088**

AN ORDINANCE APPROVING VACATING A STREET DESCRIBED AS A STRIP OF GROUND EIGHTY (80) FEET OF EVEN WIDTH ADJACENT TO THE SOUTH LINE OF BLOCK ONE HUNDRED TWENTY-ONE (121) OF NOYES ADDITION TO THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, SAID STRIP ALSO KNOWN AS CEDAR AVENUE, MATTOON, ILLINOIS

WHEREAS, a Petition to Vacate Street was filed with the City Clerk for the City of Mattoon by MATTOON COMMUNITY UNIT SCHOOL DISTRICT NO. 2, COLES COUNTY, ILLINOIS and MATTOON TOWNSHIP PARK DISTRICT on the 15th day of June, 2005 requesting that the City of Mattoon, Illinois vacate a street as follows:

A strip of ground Eighty (80) feet of even width adjacent to the south line of Block One Hundred Twenty-One (121) of Noyes Addition to the City of Mattoon, Coles County, Illinois, said strip also known as Cedar Avenue.

WHEREAS, Petitioners own all of Blocks 121 and 122 of Noyes Addition to the City of Mattoon, Coles County, Illinois;

WHEREAS, the Planning Commission of the City of Mattoon, Illinois at its meeting held on July 11, 2005 recommended approval of said Petition to Vacate Street;

WHEREAS, the public interest would be served by vacating said street; WHEREAS, this City Council believes that said Petition to Vacate Street should be approved.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon, Illinois as follows:

Section 1: The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. It is hereby determined and found by the City Council of the City of Mattoon, Illinois and corporate authorities

of said City of Mattoon that the Petition to Vacate Street submitted by MATTOON COMMUNITY UNIT SCHOOL DISTRICT NO. 2, COLES COUNTY, ILLINOIS and MATTOON TOWNSHIP PARK DISTRICT is in compliance with Chapter 159 of the Code of Ordinances of the City of Mattoon and is hereby approved and that the street described in the Petition to Vacate Street is hereby vacated and the property reverts to the adjoining property owner as provided by statute.

Section 3. This Ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This Ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor White, seconded by Commissioner Schilling, adopted this 19<sup>th</sup> day of July, 2005, by a roll call vote, as follows by consent agenda

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AYES (Names):	<u>Commissioner Cline, Commissioner Cook,</u> <u>Commissioner Ervin, Commissioner Schilling</u> <u>Mayor White</u>
NAYS	<u>None</u>
ABSENT	<u>None</u>

Approved this 19th day of July, 2005.

/s/ Charles E. White

Charles E. White, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

/s/ J. Preston Owen

Susan J. O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on July 20, 2005.

CITY OF MATTOON, ILLINOIS

**SPECIAL ORDINANCE NO. 2005-1089**

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A PARK AT 205 SOUTH 32<sup>ND</sup> STREET, MATTOON, ILLINOIS DESCRIBED AS LOTS ONE (1), TWO (2), THREE (3), FOUR (4), FIVE (5) AND SIX (6) OF BLOCK ONE HUNDRED AND TWENTY-ONE (121) OF NOYES ADDITION TO THE CITY OF MATTOON, COLES COUNTY, ILLINOIS; AND ALSO, A STRIP OF GROUND FORTY (40) FEET OF EVEN WIDTH, ADJACENT TO THE NORTH LINE OF BLOCK ONE HUNDRED AND TWENTY-ONE (121), SAID STRIP BEING THE SOUTH HALF OF PINE AVENUE VACATED PER CITY OF MATTOON ORDINANCE NO. 3415 DATED MAY 6, 1930, ACCORDING TO A PLAT OF SURVEY MADE THE 14<sup>TH</sup> DAY OF APRIL, 2003 BY DAVID C. RANKIN; AND A STRIP OF GROUND EIGHTY (80) FEET OF EVEN WIDTH ADJACENT TO THE SOUTH LINE OF BLOCK ONE HUNDRED TWENTY-ONE (121) OF NOYES ADDITION TO THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, SAID STRIP ALSO KNOWN AS CEDAR AVENUE, MATTOON, ILLINOIS

WHEREAS, a Petition for Special Use Permit was filed with the City Clerk for the City of Mattoon by MATTOON COMMUNITY UNIT SCHOOL DISTRICT NO. 2, COLES COUNTY, ILLINOIS and MATTOON TOWNSHIP PARK DISTRICT on the 15th day of June, 2005 requesting that the City of Mattoon, Illinois grant a Special Use Permit for a park for the real estate described as follows:

TRACT I:

Lots One (1), Two (2), Three (3), Four (4), Five (5) and Six (6) of Block One Hundred and Twenty-One (121) of Noyes Addition to the City of Mattoon, Coles County, Illinois; and also,

A strip of ground Forty (40) feet of even width, adjacent to the north line of Block One Hundred and Twenty-One (121), said strip being the south half of Pine Avenue vacated per City of Mattoon Ordinance No. 3415 dated May 6, 1930, according to a Plat of Survey made the 14<sup>th</sup> day of April, 2003 by David C. Rankin.

(Commonly known as 205 South 32<sup>nd</sup> Street, Mattoon, Illinois.)

TRACT II:

A strip of ground Eighty (80) feet of even width adjacent to the south line of Block One Hundred Twenty-One (121) of Noyes Addition to the City of Mattoon, Coles County, Illinois, said strip also known as Cedar Avenue.

WHEREAS, a public hearing was held before the Zoning Board of Appeals for the City of Mattoon on the 5<sup>th</sup> day of July, 2005, pursuant to published notice;

WHEREAS, the Zoning Board of Appeals forwarded the report of the public hearing to the Mattoon Planning Commission;

WHEREAS, said Mattoon Planning Commission at its meeting on July 11, 2005 considered said Petition for Special Use Permit and recommended the Petition for Special Use Permit be approved by the Zoning Board of Appeals and the City Council of the City of Mattoon;

WHEREAS, said Zoning Board of Appeals considered said Petition for Special Use Permit at a meeting held on the 19<sup>th</sup> day of July, 2005 and recommended that said Petition for Special Use Permit be approved;

WHEREAS, this City Council believes that said Petition for Special Use Permit should be approved.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon, Illinois as follows:

Section 1: The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. It is hereby determined and found by the City Council of the City of Mattoon, Illinois and corporate authorities of said City of Mattoon that the Petition for Special Use Permit submitted by MATTOON COMMUNITY UNIT SCHOOL DISTRICT NO. 2, COLES COUNTY, ILLINOIS and MATTOON TOWNSHIP PARK DISTRICT is in compliance with Chapter 159 of the Code of Ordinances of the City of Mattoon and is hereby approved and that a Special Use Permit for a park is hereby granted for the premises described in said Petition for Special Use Permit.

Section 3. This Ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This Ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor White, seconded by Commissioner Schilling, adopted this 19<sup>th</sup> day of July, 2005, by a roll call vote, as follows by consent agenda:

AYES (Names): Commissioner Cline, Commissioner Cook  
Commissioner Ervin, Commissioner Schilling,  
Mayor White

NAYS None

ABSENT None

Approved this 19<sup>th</sup> day of July, 2005.

/s/ Charles E. White

Charles E. White, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

/s/ Susan J. O'Brien

Susan J. O'Brien, City Clerk

APPROVED AS TO FORM

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on July 20, 2005.

**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2005-1090**

AN ORDINANCE GRANTING A VARIANCE FROM BUILDING SET BACK REQUIREMENTS TO ENABLE CONSTRUCTION OF A COVERED PORCH ADDITION TO THE HOUSE AT 316 LINDEN LANE

**WHEREAS** there has been filed a written Petition by Duane F. Welton for a variance, respecting the property legally described as:

Lot Six (6), Block (D), of Lane Acres Subdivision, to the City of Mattoon, Coles County, Illinois, commonly known as 316 Linden Lane, Mattoon, Illinois.

**WHEREAS**, said petition requests that a variance be granted pursuant to applicable ordinances of the municipality to allow construction of a covered porch addition to the house and reduce the front yard setback to 18 feet; and

**WHEREAS** the zoning code requires a 25-foot front yard setback in R1, Single Family Residence Zoning District; and

**WHEREAS** the Board of Zoning Appeals held a properly noticed public hearing on July 5, 2005 regarding petitioner's request for said variance; and

**WHEREAS** both the Planning Commission for the City of Mattoon, Coles County, Illinois, and the Zoning Board of Appeals for the City of Mattoon, Coles County, Illinois, have recommended that the requested variance be granted; and

**WHEREAS** the City Council for the City of Mattoon, Coles County, Illinois, deems that the recommended variance is in the public interest.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be and the same is granted a variance of the front yard setback requirement to enable construction of a covered porch addition to the front of the house.

**Section 2.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 3.** This ordinance shall be effective upon its approval as provided by law.

**Section 4.** The City Clerk shall make and file a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by Mayor White, seconded by Commissioner Schilling, adopted this 19th day of July, 2005, by a roll call vote, as follows by consent agenda:

AYES (Names): Commissioner Cline, Commissioner Cook  
Commissioner Ervin, Commissioner Schilling,  
Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 19<sup>th</sup> day of July, 2005.

/s/ Charles E. White

Charles E. White, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on July 20, 2005.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion for approving the consent agenda carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

#### PUBLIC PRESENTATIONS, PETITIONS AND COMMUNICATIONS

*This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meeting Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments.*

Mayor White opened the floor for public discussion.

Ms. Sue Francis, Retail Advertising Consultant of the Central Illinois Newspaper Group (CING), addressed the Council, seeking an advertising sponsorship for three Sesquicentennial Editions of the Mattoon Journal Gazette newspaper. Mayor White inquired as to a \$5,000 advertising proposal, and requested a proposal. Ms. Francis stated three ½ page ads could be purchased. Mayor White announced the Council would consider the \$5,000 proposal at the next meeting.

Miss Baillie Beck did not appear before the Council. Council discussed a Teen Center with some positive reaction, discussed the failures of previous attempts, and stated logistics would have to be determined. Mayor White opened the floor for public discussion. No public comment was heard.

#### UNFINISHED BUSINESS

Commissioner Cline seconded by Commissioner Ervin moved to adopt Ordinance 2005-5205, establishing policy and implementing a drug and alcohol testing program for employees of the municipality not represented by a collective bargaining agent.

### **CITY OF MATTOON, ILLINOIS**

#### **ORDINANCE NO. 2005-5205**

#### **AN ORDINANCE AMENDING CHAPTER 37 OF THE MATTOON CODE OF ORDINANCES ESTABLISHING POLICY AND IMPLEMENTING A DRUG AND ALCOHOL TESTING PROGRAM FOR EMPLOYEES OF THE MUNICIPALITY NOT REPRESENTED BY A COLLECTIVE BARGAINING AGENT**

***BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:***

**Section 1.** Chapter 37 of the Mattoon Code of Ordinances is amended by the addition of the Section 37.03 as shown on Exhibit A, a copy of which is attached and incorporated by reference.

**Section 2.** *This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.*

**Section 3.** This ordinance shall be effective thirty (30) days after its approval.

Upon motion by Commissioner Cline, seconded by Commissioner Ervin, adopted this 19th day of July, 2005, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Cook,  
Commissioner Ervin, Commissioner Schilling,  
Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 19th day of July, 2005

/s/ Charles E. White

Charles E. White, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

/s/ J. Preston Owen

Susan J. O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on July 20, 2005.

## EXHIBIT A

### 37.03 DRUG AND ALCOHOL FREE WORKPLACE

(A) **Policy.** It is the policy of the City of Mattoon ("Employer") that the public has the right to expect persons employed by the municipality to be free from the effects of drugs and alcohol during working hours. An Employer has the right to expect its employees to report to work fit and able for duty. In order to further its goal of obtaining a drug and alcohol free workplace, the Employer is implementing a drug and alcohol testing program intended to help reduce accidents and casualties in Employer's workplace, to help discourage substance abuse, and to help reduce absenteeism, health care cost, drug and alcohol related problems. This program will enhance the safety and health of Employees.

(B) **Application.** This ordinance applies to all Employees of the municipality not represented by a collective bargaining agent. This ordinance supersedes the City's Personnel Code. In the case of conflict, terms and conditions of collective bargaining agreements shall control.

(C) **Prohibitions.** The Employer prohibits the following conduct:

- (1) Consuming, possessing or being under the influence of alcohol or illegal drugs (unless in accordance with duty requirements) at any time during the work day or anywhere on any City premises or job sites, including all Employer buildings, properties (except alcohol which is secured in the Employee's personal vehicle), vehicles, and while engaged in the Employer's business;
- (2) Selling, purchasing or delivering any illegal drug or alcohol during the workday or on the Employer's premises;
- (3) An exception to these prohibitions is provided for alcohol consumption, possessing and selling alcohol at events approved by the City Council.

(D) **Discipline.** An employee shall be discharged on the first offense if test results are confirmed positive for banned substance usage or abuse; if the employee refuses to provide a breath test and urine specimen; attempts to tamper with or alter the specimen; or fails to cooperate in the testing procedure (including executing all required documentation). An employee shall be suspended without pay for 30 days on the first offense if test results are confirmed positive for alcohol consumption of .04 or more and the employee accepts voluntary referral and treatment from an Employee Assistance Program.

(E) **Drug and Alcohol Testing.** The Employer shall conduct alcohol and drug testing as prescribed in this ordinance.\_

(1) Pre-employment Testing: All applicants for employment shall be advised of the Employer's alcohol and drug testing requirements at the time of interview and shall sign a release and consent authorization form for the tests. All applicants who have successfully completed the employment interview process shall be required to provide a breath alcohol test and a urine specimen as part of his/her background investigation. An applicant for employment shall not be employed if the applicant declines to sign a release and consent authorization form for alcohol and drug testing; refuses to provide a breath test and urine specimen; attempts to tamper with or alter the specimen; fails to cooperate in the testing procedure; or if test results are confirmed positive for banned substance usage or abuse.

(2) Random Testing: Employees shall be subject to random drug and alcohol testing. The testing dates and times shall be unannounced and be done with unpredictable frequency. The choice of which employees will be tested shall be made by a third party completely independent from the management of the Employer. The annual percentage random testing rate shall be 10 percent for alcohol testing and 50 percent for drug testing for employees in positions to which this ordinance applies.

(3) Reasonable Suspicion Testing: When the management of the Employer has reasonable suspicion to believe an Employee is under the influence of alcohol or illegal drugs during the course of the work day, the Employer shall have the right to require the Employee to submit to alcohol or drug testing as set forth in this Ordinance. The Employer shall verbally explain the reason for suspicion at the time the Employee is requested to take the test. This shall not preclude the Employer from investigating and discovering any additional evidence to present at a discipline hearing. The management of the Employer must certify reasonable suspicions concerning the affected Employee within 48 working hours of any order to submit to the testing.

(4) Post-Accident Testing: Post-accident testing is required whenever an employee is involved in an accident while driving a vehicle on business of the Employer that involves loss of life, personal injury or a vehicle must be towed and the driver receives a citation under state or local law.

(F) **Substances Tested.** The Employer shall conduct alcohol and drug testing as prescribed in this ordinance or as required by law, whichever is more stringent.

(1) Alcohol: Any alcohol test required by the Employer pursuant to this ordinance will analyze an Employee's breath to test for the presence of alcohol. The alcohol concentration of .04 or more based upon the grams of alcohol per 1000 ml of blood shall be considered a positive test presumptively concluding the Employee is under the influence of alcohol.

(2) Controlled substances: Any drug test required by Employer pursuant to this ordinance will analyze an individual's urine to test for the presence of drugs identified in 720 ILCS 550/3(a) and 720 ILCS 580/et seq. and 570/20/et seq. Any levels detected above those amounts described below shall conclusively deem the Employee to be under the influence of a controlled substance or drug. After detection of a controlled substance, a confirmatory test will be conducted by the Employer at its expense to determine the level of concentration. Concentrations below levels prescribed below shall not preclude the Employer from proving the Employee has consumed or is under the influence of drugs.

### DRUG CONCENTRATION LEVELS

<u>Initial Test</u> :	Initial Test Level (ng/ml)
Marijuana Metabolites .....	100
Cocaine metabolites .....	300
Opiate metabolites .....	300
Phencyclidine .....	25
Amphetamines .....	1,000
Opiate metabolites for free Morphine .....	25
All other controlled substances .....	25

<u>Confirmatory Test</u>	Confirmatory Test Level (ng/ml)
Marijuana métabolites <sup>1</sup> .....	15
Cocaine métabolites <sup>2</sup> .....	150



Opiates:	
Morphine .....	300
Codeine .....	300
Phencyclidine .....	25
Amphetamines:	
Amphetamine .....	500
Methamphetamine .....	500

<sup>1</sup> Delta-9-tetrahydrocannabinol-9carboxylic acid.

<sup>2</sup> Benzoylecgonine

Any changes to drugs identified in 720 ILCS 550/3(a) and 720 ILCS 580/et seq. and 570/20/et seq. or to concentration levels established by the Department of Health and Human Services levels shall automatically modify the foregoing table.

**(G) Order to Submit to Testing.** The Employer shall verbally explain the reason for testing at the time the Employee is ordered to take a test. This shall not preclude the Employer from investigating and discovering any additional evidence to present at a discipline hearing. Once ordered to submit to testing, an Employee must do so immediately. Within 48 working hours of the time the Employee is ordered to submit to the test, the Employer shall provide the Employee with a written notice of the order, setting forth all of the facts and reasonable inferences drawn from those facts which have formed the basis of the order to test. The Employee shall be permitted to consult with a representative of his/her choice within 30 minutes of the time the order is given. No questioning of the Employee shall be conducted without first affording the Employee the right to representation or legal counsel of the Employee's choice. Refusal to submit to such testing will subject the Employee to discipline, but taking of the test shall not be construed as a waiver of any objection or rights the Employee may have. The right to representation and/or legal counsel shall not delay the time in which the Employee must take the test.

**(H) Place of Testing.** An Employee required to be tested shall be transported to an appropriate collection facility or testing facility by a management representative of the Employer to await collection and testing.

**(I) Tests to be Conducted.** In conducting the testing directed by this ordinance, the Employer shall:

- (1) Use only a clinical laboratory or hospital facility licensed pursuant to the Illinois Clinical Laboratory Act or is capable of being accredited by the National Institute of Drug Abuse (NIDA);
- (2) Insure that the laboratory or facility selected confirms to all NIDA standards;
- (3) Establish a chain of custody procedure for both sample collection and testing that will ensure the integrity of the identity of each sample and test result;
- (4) Collect a sufficient sample of the body fluid or material from an Employee to allow for initial screening, confirmatory test, and a sufficient amount to be set aside reserved for later testing if possible and requested by the Employee;
- (5) Collect samples in such a manner as to insure a high degree of security for the sample and its freedom from alteration;
- (6) Confirm any sample testing positive in the initial screening for drugs by testing the second portion of the same sample by gas, chromatography, mass spectrometry (gcms) or an equivalent or better scientifically accurate and acceptable method that provides quantitative data about the detected drug or drug metabolites;
- (7) Provide the Employee tested with an opportunity to have the additional sample tested by a clinical laboratory or hospital facility of the Employee's own choosing, at the Employee's own expense provided the Employee notifies the Employer within 72 hours of receiving the results of the tests;
- (8) Require the laboratory or hospital facility report to the Employer that a blood or a urine sample is positive only if both the initial screening and confirmatory test is positive for a particular drug or alcohol. The Employer may discover the test results if below the levels provided in this ordinance should it choose to proceed to prove consumption and/or influence of drugs at levels below the presumption of influence. Should any information concerning such testing or the results thereof be obtained by the Employer inconsistent with the procedures described herein, the Employer will not use such information in any manner or form adverse to the Employee's interests;
- (9) Provide each Employee tested and his/her representative with a copy of all information and reports received by the Employer in connection with the testing and the results; and

(10) Provide that no Employee shall be the subject of disciplinary action that is not without just cause.

(J) **Right to Contest.** An Employee has a right to file a grievance according to procedures provided in the Personnel Code concerning any testing directed by the ordinance, contesting the basis for the order to submit to the tests, the administration of the tests, the significance and accuracy of the tests, the consequences of the testing or results or any other alleged violation of this testing ordinance.

(K) **Voluntary Request for Assistance.** An Employee who voluntarily comes forward to request assistance with drug use or alcohol consumption shall be referred to an Employee Assistance Program, a means by which Employee may obtain treatment. All such requests shall be confidential to the fullest extent permitted by law and shall not be used in any manner adverse to the Employee's interest except as required for disciplinary action. All requests for Employee Assistance shall be included in the Employee's file for future disciplinary consideration. When an Employee voluntarily requests assistance, the Employer, in its sole discretion, may determine to retain the Employee, reassign the Employee if the Employee is otherwise fit for duty or suspend the Employee without pay if the Employee is then unfit for duty as determined in the sole discretion of the Employer.

(L) **Continued Employment.** Any Employee who voluntarily takes treatment for drug or alcohol dependency shall be subject to periodic, random or reasonable suspicion drug testing, as a condition of continued employment for up to a period of twenty-four (24) months. Continued employment will also be conditioned upon the Employee successfully completing any counseling which may be recommended by the Employee Assistance Program as part of a program to seek the appropriate treatment as determined by any physicians involved. The cost of counseling and treatment shall be borne by the Employer, if provided through the Employer's sanctioned Employee Assistance Program.

Mayor White opened the floor for discussion. Commissioner Cline noted the change of post-accident testing by stating "Post-accident testing is required whenever an employee is involved in an accident while driving a vehicle on business of the Employer that involves loss of life, personal injury or a vehicle must be towed and the driver receives a citation under state or local law." He further explained that CDL holders have a 24-hour a day regulation.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Cline seconded by Commissioner Schilling moved to adopt Resolution 2005-2602 Substitute, authorizing submission of applications to the Illinois Department of Transportation for transportation enhancement grant for the rehabilitation of the Illinois Central Railroad Depot.

CITY OF MATTOON, ILLINOIS

*RESOLUTION NO. 2005-2602 SUBSTITUTE*

**A RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION TO THE ILLINOIS DEPARTMENT OF TRANSPORTATION FOR A TRANSPORTATION ENHANCEMENT GRANT FOR THE REHABILITATION OF THE ILLINOIS CENTRAL RAILROAD DEPOT**

**WHEREAS**, the Illinois Department of Transportation (IDOT) recently announced it will be accepting applications until August 1, 2005 for grants from the Illinois Transportation Enhancement Program (ITEP); and

**WHEREAS**, any unit of local or state government with taxing authority is eligible to apply for and sponsor a Transportation Enhancement Project; and

**WHEREAS**, at a public hearing held June 7, 2005 requests were made for the City of Mattoon to sponsor projects that would rehabilitate the Illinois Central Railroad Depot and restore Mattoon's historic brick streets; and

**WHEREAS**, the City Council finds that a 20% local share of a \$3,033,696 cost estimate for a project to restore 15th Street and Oklahoma Avenue, the only Mattoon brick streets that have been placed on the National Register of Historic Places, would consume local funds for which there are higher priorities; and,

**WHEREAS**, it would be in the public interest for the City of Mattoon to sponsor a project to rehabilitate the Illinois Central Railroad Depot.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:**

**Section 1.** The City Administrator is authorized to sign and submit an application to IDOT for a transportation enhancement grant for a \$2,768,173 project submitted under the “Rehabilitation of Historic Transportation Facilities” category for rehabilitation of the historic Illinois Central Railroad Depot, including installation of an elevator and reconstruction of the platform to enable physically disabled persons to access Amtrak passenger trains. The scope of this project includes sewer reconstruction beneath the platform and interior structural renovations necessary to establish a transportation museum in the Depot to be operated by the Coles County Historical Society.

**Section 2.** The City Council hereby designates the City Administrator to be the official representative of the City of Mattoon authorized to sign documents incidental to submitting the grant applications authorized by this resolution, to act in connection with the project nominations, to provide such additional information as may be required and to administer the projects that would be assisted by the grant funds.

**Section 3.** In approving this resolution, the City Council acknowledges, understands and agrees to these assurances that must be signed by the City Administrator in submitting these transportation enhancement project nominations:

- A. The City of Mattoon certifies that it is willing and able to manage, maintain and operate this project;
- B. The City of Mattoon possesses legal authority to nominate this project and to finance, acquire and construct the project;
- C. Although funds may be pledged to this project from other non-federal sources, the City of Mattoon will guarantee financing for grant ineligible costs, 20% of the grant eligible costs and all costs excess of the grant;
- D. The City of Mattoon may be required to incur costs for these projects before it will be reimbursed by the transportation enhancement grant;
- E. Additional, as of yet un-quantified, local money resources may be needed to construct this project after completion of the environmental review, architectural/engineering plans and specifications, competitive bidding of the construction contracts and for resolving unanticipated conditions encountered during construction;
- F. Phase I preliminary engineering for this project must commence within 12 months of the date of a project selection letter;
- G. Construction must be scheduled for a bid letting within 12 months of the completion of Phase I preliminary engineering in accordance with IDOT departmental policies; and
- H. As a condition of this grant, IDOT will require a maintenance agreement that will bind the City of Mattoon to funding for a maintenance plan for the useful life of a facility improved with the assistance of the transportation enhancement grant funds.

**Section 4.** This resolution shall be effective upon its approval as provided by law.

Upon motion by Commissioner Cline, seconded by Commissioner Schilling, adopted this 19th day of July, 2005, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Cook,  
Commissioner Ervin, Commissioner Schilling,  
Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 19th day of July, 2005.

/s/ Charles E. White

Charles E. White, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

/s/ J. Preston Owen

Susan J. O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on 7-20, 2005.

Attachment: Preliminary Estimates of Sources and Uses of Funds for this ITEP Project

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Cline seconded by Commissioner Cook moved to adopt Resolution 2005-2603, authorizing submission of an application to the Illinois Department of Commerce & Economic Opportunity for a tourism attraction development program grant to provide a non-federal share of costs for a transportation enhancement project for the rehabilitation of the Illinois Central Railroad Depot.

CITY OF MATTOON, ILLINOIS

*RESOLUTION NO. 2005-2603*

**A RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION TO THE ILLINOIS DEPARTMENT OF COMMERCE & ECONOMIC OPPORTUNITY FOR A TOURISM ATTRACTION DEVELOPMENT PROGRAM GRANT TO PROVIDE A NON-FEDERAL SHARE OF COSTS FOR A TRANSPORTATION ENHANCEMENT PROJECT FOR THE REHABILITATION OF THE ILLINOIS CENTRAL RAILROAD DEPOT**

**WHEREAS**, at a public hearing held June 7, 2005 requests were made for the City of Mattoon to sponsor a project that would rehabilitate the Illinois Central Railroad Depot; and

**WHEREAS**, by Resolution No. 2005-2602, the City Council authorized an application to the Illinois Department of Transportation (IDOT) for a grant from the Illinois Transportation Enhancement Program (ITEP) for the rehabilitation of the Illinois Central Railroad Depot; and

**WHEREAS**, Transportation Enhancement grants require a 20% non-federal cash matching share of ITEP grant eligible project costs;

**WHEREAS**, rehabilitation of the Illinois Central Depot will enable the Coles County Historical Society to use a portion of the structure to establish a transportation museum that will present the important role railroads played in the community and economic development of Illinois; and

**WHEREAS**, the Tourism Attraction Development Program of the Illinois Department of Commerce & Economic Opportunity, Bureau of Tourism, was appropriated \$1.6 million for FY 2006 and is presently accepting grant applications for the fiscal year that began July 1, 2005; and

**WHEREAS**, a transportation museum could become a premier tourism attraction for Amtrak patrons, who presently use the Depot, as well as other tourists attracted to Midtown Mattoon, where comprehensive strategies are being implemented to attract public and private investments that will restore vitality to an area that was once an economic engine; and

**WHEREAS**, it would be in the public interest for the City of Mattoon to seek a Tourism Attraction Development grant to assist with the non-federal share of project costs incidental to the rehabilitation of the Illinois Central Railroad Depot.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** The City Administrator is authorized to sign and submit an application for a Tourism Attraction Development Program for a \$80,000 grant to assist with the non-federal share of project costs incidental to the rehabilitation of the Illinois Central Railroad Depot (the, "Project").

**Section 2.** The City Council hereby designates the City Administrator to be the official representative of the City of Mattoon authorized to sign documents incidental to submitting the grant application authorized by this resolution, to provide such additional information as may be required pertaining to the application and to administer the project that would be assisted by the grant funds.

**Section 3.** In approving this resolution, the City Council acknowledges, understands and agrees to these assurances that must be signed by the City Administrator in submitting this grant application:

- I. The City of Mattoon certifies that it is willing and able to manage, maintain and operate the Project;

J. The City of Mattoon possesses legal authority to finance, acquire and construct the Project;

K. Although funds may be pledged to the Project from other sources, the City of Mattoon must guarantee financing for 50% of the grant eligible project costs and all grant ineligible project costs excess of the approved grant;

L. The City of Mattoon may be required to incur costs for this Project before it will be reimbursed by the tourism attraction development grant;

M. Additional, as of yet un-quantified, local money resources may be needed to construct the Project after completion of the environmental review, architectural/engineering plans and specifications, competitive bidding of the construction contracts and for resolving unanticipated conditions encountered during construction;

**Section 4.** This resolution shall be effective upon its approval as provided by law.

Upon motion by Commissioner Cline , seconded by Commissioner Cook, adopted this 19th day of July, 2005, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Cook

Commissioner Ervin, Commissioner Schilling

Mayor White

NAYS (Names): None

ABSENT (Names):None

Approved this 19th day of July, 2005.

/s/ Charles E. White

Charles E. White, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

/s/ J. Preston Owen

Susan J. O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on July 20, 2005.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Ervin moved to approve Council Decision Request 2005-485, approving the appointment of E. J. White to a temporary park maintenance position.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, Abstain Mayor White.

Commissioner Schilling announced E.J. White had previous part-time employment with the Park Department.

Commissioner Cook seconded by Commissioner Cline moved to approve Council Decision Request 2005-486, authorizing a \$151,602 procurement from Woody's Municipal Supply Company for a new Johnston Model 650 VT street sweeper for use by the street department.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Ervin seconded by Commissioner Cook moved to approve Council Decision Request 2005-487, authorizing a \$734,670 procurement from Mac's Fire & Safety, Inc. for a new 95' Mid Mount Aerial Platform truck manufactured by KME Fire

Apparatus of Nesquehoning, Pennsylvania, for use by the Fire Department.

Mayor White opened the floor for discussion. Commissioner Ervin commended Fire Chief Grafton, Captain Andy Adair, and the Fire Department staff for their efforts in developing the specifications and their cognizance of tax payer money. Chief Grafton reviewed the development and selection process of the proposed fire truck.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to recess to closed session at 7:20 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1)) and litigation affecting or on behalf of the City of Mattoon (5 ILCS 120/2(c)(11)) consisting of: hearing on a grievance filed by AFSCME Local 3821 from a determination to terminate an employee for violation of personnel policies; and review performance appraisals of management 7 supervisory employees (Maggie Bayne, Administrative Assistant; Judy Winn, Administrative Assistant).

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Council reconvened from closed session at 8:05 p.m.

Commissioner Cline seconded by Commissioner Schilling moved to sustain a disciplinary action to terminate an employee for violation of personnel policies.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Cook moved to adjourn at 8:06 p.m.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

/s/ Susan J. O'Brien  
City Clerk